

FEB 03 2009

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To: Mail Stop Amendment
Firm: U. S. Patent and Trademark Office
Fax #: 571-273-8300
From: Ronald J. Kubovcik (Registration No. 25,401)
Date: February 3, 2009
Pages : 3 including this cover sheet.

Re : Appl. No. : 10/522,771
Applicant : Toyoki FUJIHARA et al.
Filed : January 28, 2005
TC/A.U. : 1795
Examiner : Cynthia K. Lee
Dkt. No. : MAM-058
Cust. No. : 20374

Confirmation No. 1751

Document transmitted herewith:

1. **RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 7, 2009**

(Due: February 7, 2009)

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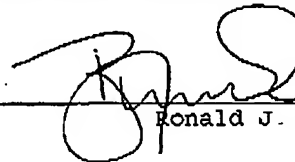
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/522,771 Confirmation No. 1751
Applicant : Toyoki FUJIHARA et al.
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Ronald J. Kubovcik

RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 7, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 3, 2009

Sir:

This paper is submitted in response to the Office Action dated
January 7, 2009.

In the Action, restriction is required between:

(I) Claims 1, 3-9, 14-21, and 24-29, identified by the
Examiner as directed to a battery; and

P:\02-09\mam-058-pto-rcep-rest-req wpd

(II) Claim 12, identified by the Examiner as directed to a method for reducing gas generated in a battery.

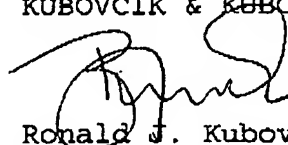
Applicants elect the subject matter of group (I), claims 1, 3-9, 14-21, and 24-29, for prosecution in this application. This election is made without traverse with the understanding that the applicants' rights under 35 U.S.C. §§ 120 and 121 to the filing of a divisional application directed to the non-elected subject matter are retained.

The foregoing is believed to be a complete and proper response to the Office Action dated January 7, 2009. A favorable action on the merits of the elected subject matter is believed to be in order and is respectfully solicited.

In the event any fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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